

(As of February 20, 2001)

Section 3-201. Actions of the Council⁸ --

Every legislative act of the council shall be by ordinance.⁹ Non-legislative acts of the council may be by resolution, and except as otherwise provided, no resolution shall have force or effect as law.¹⁰ The enacting clause of every ordinance shall be "Be it ordained by the people of the City and County of Honolulu" and the enacting clause of every resolution shall be "Be it resolved by the council of the City and County of Honolulu."

⁸City Council is exempt from the purview of the Hawaii Administrative Procedure Act (Hawaii Revised Statutes Chapter 91) when performing either legislative or non-legislative activities. Sandy Beach Defense Fund v. City Council, 70 Haw. 361, 773 P.2d 250 (1989).

⁹Ordinance must conform to, be subordinate to, not conflict with, and not exceed municipal charter, nor may ordinance change or limit charter's effect. Harris v. DeSoto, 80 Hawai'i 425, 911 P.2d 60 (1996). Ordinance which conflicts with express provision of charter is invalid. Fasi v. City Council of the City and County of Honolulu, 72 Haw. 513, 823 P.2d 742 (1992).

¹⁰City council may exercise its non-legislative power by resolution or by resorting to some other parliamentary procedure, such as by voting on a motion made at council meeting. Life of the Land, Inc. v. City Council of the City and County of Honolulu, 61 Haw. 390, 606 P.2d 866 (1980); Protect Ala Wai Skyline v. Land Use and Controls Committee of the City Council of the City and County of Honolulu, 6 Haw. App. 540, 735 P.2d 950 (1987).